

## REMARKS

Examiner has rejected Claims 3-25 under 35 U.S.C. 103(b) as being unpatentable over Daller (U.S. Patent No. 2,143,844) in view of Wikle (U.S. Patent No. 2,774,402). In response thereto, and in view of the foregoing claim amendments, Applicant presents the following arguments.

With reference to rejected Independent Claims 3, 11 and 19, Applicant notes that Daller discloses a bag manufactured from “wax paper” and “cellulosic material” (i.e., in particular, cellulosic material marketed under the trademark CELLOPHANE) – materials completely different from the open thermoplastic fabric and polyolefin film materials utilized in Applicant’s bag manufacturing method (as detailed and disclosed in Applicant’s specification). That is, Daller does not disclose Applicant’s preferred bag materials that facilitate the implementation of Applicant’s high-speed bag manufacturing process (i.e., open thermoplastic fabric and polyolefin film). Applicant respectfully asserts that the materials utilized in the manufacture of the Daller bag would not permit the Daller bag to be manufactured via Applicant’s claimed method of high-speed bag manufacturing, nor would such materials (in particular the cellulosic-based film material) be capable of bonding or sealing to Applicant’s open thermoplastic material without the use of adhesives, the application of which would inherently delay or retard the overall high-speed bag manufacturing process taught by Applicant’s invention. As such, and in view of the foregoing arguments, Applicant further respectfully asserts that the Daller bag is non-analogous art.

Examiner further cites Wikle as disclosing Applicant's fabric section, noting that Wikle teaches a mesh material 12 in combination with a film portion 11 for the manufacture of lightweight, ventilated bags. Applicant respectfully notes that Wikle's disclosure of "mesh material" (referred to in the Wikle patent as "perforate regions") is limited to a composition comprising a "plurality of filaments crossed at right angles with a plurality of similar filaments, which are integrally connected to formed interstices or ventilating openings." However, Wikle does not disclose the materials utilized to form such a perforate region, nor does Wikle teach that such a perforate region could be manufactured from Applicant's open thermoplastic fabric. Additionally, the selected film material utilized in the Wikle patent is cellulosic-based, as opposed to the polyolefin-based film material utilized in Applicant's bag manufacturing method to facilitate the high-speed manufacture of Applicant's bags. As such, Applicant respectfully asserts that the materials utilized in the manufacture of the Wikle bag would not permit the Wikle bag to be manufactured via Applicant's claimed high-speed bag manufacturing method, nor would the combined teachings of Daller and Wikle result in Applicant's claimed method or the bag produced thereby in view if Applicant's selected materials. Additionally, Applicant respectfully asserts that the bag materials (in particular the cellulosic-based film material) of the Wikle patent would not be capable of bonding or sealing to Applicant's open thermoplastic material without the use of adhesives, the application of which would inherently delay or retard the overall high-speed bag manufacturing process taught by Applicant's invention. As such, and in view of the foregoing arguments, Applicant further respectfully asserts that the Wikle bag is non-analogous art.

However, to further clarify Applicant's invention, and in view of the foregoing arguments, Applicant has limited Independent Claims 3, 11 and 19, and associated dependent claims, to now recite the selected bag materials utilized in Applicant's high-speed bag manufacturing method. In particular, Applicant has now amended the Claims to reflect that Applicant's bags are manufactured from "open thermoplastic fabric sections" and "film sections selected from the group consisting of polyolefin films, and films sealable to open thermoplastic mesh." Applicant respectfully asserts that such materials are not disclosed in the Daller or Wikle patents. Applicant further asserts that Applicant's method of high-speed bag manufacturing utilized to mass produce bags comprising open thermoplastic fabric sections and film sections selected from the group consisting of polyolefin films, and films sealable to open thermoplastic mesh, is also not disclosed in the Daller or Wikle patents, and that combination of said patents would not teach Applicant's claimed method nor the bags manufactured thereby. As such, Applicant believes that the foregoing amendments and arguments distinguish Applicant's invention from that of Daller and Wikle, and, as such, place rejected Independent Claims 3, 11 and 19, and associated rejected dependent claims, in condition for allowance.

Examiner has rejected Claims 26-30, 34-38 and 42-45 under 35 U.S.C. 103(a) as being unpatentable over Daller in view of Wikle and further in view of Daniels (U.S. 2,428,266). In response thereto, and in view of the foregoing claim amendments, Applicant presents the following arguments.

With reference to rejected Independent Claims 26, 34 and 42, Examiner utilizes the teachings of Daller and Wikle in combinations with the teachings of Daniels, wherein Daniels discloses bags formed from continuous rolls of paper and scrim (the latter of which Examiner refers to as "mesh" and associates with Applicant's "fabric sections"). However, Applicant respectfully asserts that the rolls of material of Daniels are completely different from the rolls of open thermoplastic fabric and polyolefin film materials utilized in Applicant's bag manufacturing method (as detailed and disclosed in Applicant's specification). That is, Daniels does not disclose Applicant's preferred bag roll materials that facilitate the implementation of Applicant's high-speed bag manufacturing process (i.e., rolls of open thermoplastic fabric and polyolefin film). Applicant respectfully asserts that the rolls of materials utilized in the manufacture of the Daniels bag would not permit the Daniels bag to be manufactured via Applicant's claimed method of high-speed bag manufacturing, nor would such rolls of materials be capable of bonding or sealing to Applicant's rolls or continuous streams of open thermoplastic material without the use of adhesives, the application of which would inherently delay or retard the overall high-speed bag manufacturing process taught by Applicant's invention. Applicant further asserts that Applicant's method of high-speed bag manufacturing utilized to mass produce bags comprising open thermoplastic fabric and polyolefin films, is not disclosed in the Daniels patents, and that combination of the Daller, Wikle and Daniels patents would not teach Applicant's claimed method nor the bags manufactured thereby. Therefore, Applicant respectfully contends that the Daniels bag and/or method of manufacturing same is non-analogous art. As such, in view of the foregoing arguments and amendments distinguishing Applicant's invention from that of the Daller and

Wikle patents, and in view of the above arguments directed to the Daniels patent, Applicant respectfully believes that the rejected Independent Claims 26, 34 and 42, and associated rejected dependent claims, are now in condition for allowance.

**CONCLUSION**

The above-made amendments are to form only and thus, no new matter was added. Applicant respectfully believes the above-made amendments now place the Claims and application in condition for allowance. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted this 5<sup>th</sup> day of November, 2003.



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